

REMARKS

Claims 1, 2, 4-6 and 8-10 were examined in the Final Office Action mailed January 13, 2009. The following new objection and rejection were entered:

- Objection to claims 9-10 as identical.
- Rejection of claims 1-2, 4-6 and 8-10 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,553,296 to Breed *et al.* ("Breed '296"), in view of U.S. Patent No. 6,778,672 to Breed *et al.* ("Breed '672") and further in view of U.S. Patent No. 7,020,288 B1 to Ohashi ("Ohashi").

As the Examiner has correctly surmised, claim 10 was intended to depend from independent claim 5. Accordingly, the Applicants are requesting entry of an amendment to change the dependency of claim 10 to claim 5 in order to place the claims into condition for allowance (or at least in better condition for appeal).

As to the rejection under § 103(a), the Applicants are respectfully requesting reconsideration and withdrawal of the rejection, on the ground that the Ohashi reference does not teach or suggest the feature for which it is cited.

As previously discussed in the prosecution of this application, the present invention is directed to a system and a method which provides for, *inter alia*, *selective* transmission of sounds from outside the vehicle to the vehicle interior via the vehicle's audio system to ensure these sounds are heard by the driver (*e.g.*, claim 1: "sounds from the exterior of the vehicle can be *pipd in* from the exterior by the control unit through the acoustic system of the vehicle into the interior of the vehicle as part of the active noise suppression"); *accord* Original Specification ¶ [0019] (Sounds from the exterior of the vehicle (*e.g.*, the honking or other vehicles), which must be received according to statutory requirements, can be piped in from the exterior through the acoustic system of the vehicle ...").

The Ohashi reference is cited as teaching this feature of the present invention, however, close review of this reference reveals that it instead teaches *suppressing all outside sounds*, while avoiding undue suppression of *voice conversations* within the vehicle by the noise cancelling system.

As a first matter, the mere fact that Ohashi shows an outside sensor 76 does not, *a priori*, mean that Ohashi is teaching the transmission of *selected* outside sounds into the vehicle. Rather, Ohashi must be reviewed to determine *how* the outside sensor is used – and in fact whether *any* outside noises are being “piped in” to the interior for the driver to hear.

What Ohashi actually teaches is that the outside sensor is used to ensure that the noise cancellation system accurately *cancels* all outside sounds which may have reached the interior (for example, by transmission through the vehicle glass), by using the sensed outside sounds as a reference for more accurate cancellation within the vehicle interior.

As noted in the Ohashi Abstract, its active noise control system includes a unit for processing signals, sensors “for detecting information on the inside and outside of a vehicle,” and “a vehicle interior voice discriminating unit *for discriminating voice of [sic] conversation* generated in the vehicle interior.” The Ohashi background and invention summary sections further state: (i) the problem to be solved: “[previous noise canceling approaches] posed a problem that *even the conversation of passengers was eliminated* because it was also a disturbance for the [noise canceling] system”; and (ii) the object of the Ohashi system: “to correct these conventional defects and to provide a noise control

system for reducing noises extending into medium- and high-frequency bands in the interior of the vehicle.” Ohashi at 1:24-28, 1:32-35 (emphasis added).

Thus, the invention’s general approach is to still reduce unwanted sounds (regardless of interior or exterior source), while preserving voice conversations. *Accord* Ohashi at 1:46-48 (system includes the use of a “vehicle interior voice discriminating unit” which, working with the noise cancelling processor and amplifier, “allows reduction of noises extending to medium- and high-frequency bands in the interior of a vehicle”).

In Ohashi’s detailed description, system operation is described as follows:

... noise signals and various kinds of vehicle information signals transmitted from sensors 6 are fed into vehicle interior voice discriminating unit 5 and ANC [Active Noise Control] 2. Such sensors include those comprising microphones for detecting information on the inside and outside of the vehicle and those for detecting the presence of passengers. *Vehicle interior voice discriminating unit 5 discriminates the voices of passengers using the signals from sensors 6 and transmits ANC control signals to ANC unit 2 for switching ON/OFF the noise eliminating operation.*

Ohashi at 2:45-54 (emphasis added). This Ohashi passage teaches only preservation of voice conversations by altering the active noise control unit’s noise canceling output; it does not teach or suggest *anything* regarding *selective* transmission of *outside* sounds (*i.e.*, sounds which are desired to be heard by the driver) *into* a vehicle. Alternatively stated, this passage confirms that Ohashi does nothing more than describe a system which cancels *all* unwanted sounds, *except* voice conversations (a result which is consistent with the stated objective).

Further, there is nothing in Ohashi which even begins to suggest that the outside sensor 76 is used for *any* purpose other than identifying *all* outside

noises to be canceled. Rather; this sensor is just one of a plurality of the “sensors 6” which are shown in Ohashi Fig. 7. Ohashi at 5:14-15 (“Fig. 7 is a layout diagram for illustrating an arrangement example of some of sensors 6.”).

Finally, the Applicants note that the remaining portion of Ohashi cited for support of the pending rejection, also fails to support the assertion that this reference teaches *selective* introduction of outside sounds into the interior of the vehicle. The portion of Ohashi at 4:35-50 is cited, however, this section only describes the Fig. 6 block diagram for the vehicle interior voice discrimination unit 5. This unit takes voice information from seat microphone 61 (one of the sensors 6) and processes the voice information, compares it to reference noise signals in the voice band, and outputs a signal for the ANC unit to ensure that the voice conversations are not actively canceled by the ANC unit. Ohashi at 4:35-5:13 (complete description of the voice discriminating unit). Thus, this portion of Ohashi also does not teach or suggest *anything* with respect to transmission of outside sounds *into* a vehicle interior, let alone *selective* transmission of outside sounds to ensure they can be heard by the driver.

In view of the foregoing, the Applicants respectfully submit that Ohashi simply does not teach or suggest the feature identified by the Examiner as missing from the two Breed references, *i.e.*, “sounds from the exterior of the vehicle can be piped in from the exterior by the control unit through the acoustic system of the vehicle into the interior of the vehicle as part of the active noise suppression.” Accordingly, reconsideration and withdrawal of the pending

rejection based on the combination of the Breed references and Ohashi is respectfully requested.

CONCLUSION

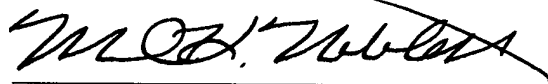
In view of the foregoing, the Applicants respectfully request entry of the requested amendments to place claims 1-2, 4-6 and 8-10 into condition for allowance, and issuance of a Notice of Allowance for these claims.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.53140US).

Respectfully submitted,

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